

The Honorable JOHN C. COUGHENOUR

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

MATTHEW BUHL, et al.,

CASE NO. 2:09-cv-0598-JCC

Plaintiffs,

DECLARATION BY JUSTIN COWGILL

v.

NOTE ON CALENDAR:
November 24, 2009

JOHN DOE, et al,

Defendants.

09-CV-00598-ANS

DECLARATION OF JUSTIN COWGILL

I, Justin L. Cowgill, being first duly sworn under oath under the penalty of perjury of the laws of the State of Washington do hereby declare as follows:

Being involved in a case along with Matthew M. Buhl and the other three Plaintiffs, I was informed of a Show Cause would be held November 10, 2009. I, along with the others involved in the case, never received a notice to appear at a scheduling hearing set for October 20, 2009. I was there to explain that I did not receive a notice in my mailbox.

On the day of the hearing, the other three Plaintiffs and I made an effort to appear in proper dress and as a group to show that we take this case seriously despite that we haven't yet found an attorney. The fifth Plaintiff, whom I knew as Peter, we were unable to contact, as he

PLAINTIFF JUSTIN
COWGILL'S DECLARATION 1

2:09-cv-0598-JCC

1 has been stationed elsewhere by Navy, and we no longer have contact information for him.

2
3 After we were able to find parking for several vehicles downtown, we met in front of the
4 steps of the Federal Courthouse and entered the building at approximately 8:50-8:55 am. We
5 then passed through the security, found the elevators, and then the courtroom, which we entered
6 at 9:00 or 9:02, according to the slightly different times on our watches. We argued about this, as
7 Matt was upset that Keric, Samantha and Stephanie took time to put their shoes back on before
8 entering the elevator after we went through security. He wanted them to put their shoes on inside
9 the elevator.

10
11 In the courtroom, there was one other person present, quietly minding his own business.
12 We then waited between five and ten minutes before a court clerk entered from a back room and
13 began to set up a typing machine and other items to prepare for court business. After the court
14 was called to session, a brief hearing took place for another matter at about 9:10am. At
15 approximately 9:15 to 9:20am, a recess was announced.

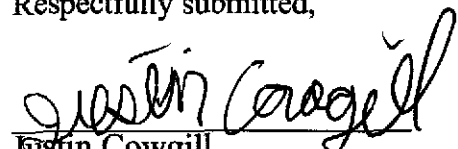
16
17 While waiting, thinking our case would be next, the court clerk asked us if we were
18 there to observe or for another matter. When we told her that we were there for a hearing, she
19 asked us if we were there for the "Buhl matter". After telling her that we were, she informed us
20 that the case was dismissed, that it started after 9:00am, and we weren't there, we told her that we
21 were there by 9:00am. She informed us that normally we could proceed but that the opposing
22 side in the case had already left. We asked her what the next step would be, and she informed us
23 that we could file a complaint.

1 As we sat in the courtroom before clerks entered, it did not occur to us for one
2 moment that we were already considered to be late. When we entered the courtroom, we saw
3 nobody leaving and it did not appear as if a hearing had just finished. There was nobody packing
4 up their things, the court clerk wasn't removing her items, and my honest impression was that we
5 were the first people present other than the previously mentioned man.

6
7 I find the order dismissing our case to be unjust and I believe that we would have had
8 a hearing if we had found an attorney to accompany us. I hope the court will reverse the
9 dismissal and allow us to proceed with our case.

10
11
12
13 Date 11/24/09

14
15 Respectfully submitted,

16 
17 Justin Cowgill
18 4459 Brygger Drive West
19 Seattle, WA 98199
20
21
22
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24


PLAINTIFF MATTHEW
BUHL'S DECLARATION- 3

CERIFICATE OF SERVICE

I hereby certify that, on this 24th day of November, 2009, a true and complete copy of the foregoing Declaration was sent by First Class Certified U.S. Mail to the parties below:

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